

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | 2:25-cv-04054-CAS-MAA | Date | May 7, 2025 |
| Title | Wilmington Trust v. Kerr et al | | |

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| Present: The Honorable | CHRISTINA A. SNYDER |
|------------------------|---------------------|

CATHERINE JEANG

Deputy Clerk

Not Present

Court Reporter / Recorder

N/A

Tape No.

Attorneys Present for Plaintiffs:

N/A

Attorneys Present for Defendants:

N/A

Proceedings: **(In Chambers:) ORDER TO SHOW CAUSE RE: SUBJECT MATTER JURISDICTION**

On December 19, 2024, plaintiff Wilmington Trust filed this unlawful detainer action against defendants Clifton Kerr, Maritza Escoto, and Does 1-10 (collectively “defendants”) in Los Angeles County Superior Court. Dkt. 1. Defendants removed the case to this Court on May 6, 2025. Id. Defendants assert that this Court has jurisdiction on the basis of a federal question. Id. (citing 28 U.S.C. § 1331).

It appears that this Court lacks subject matter jurisdiction over this action. The law is clear that “[u]nlawful detainer actions are strictly within the province of state court.” Federal Nat’l Mort. Assoc. v. Suarez, 2011 U.S. Dist. LEXIS 82300, *6 (E.D. Cal. Jul. 27, 2011); Deutsche Bank Nat’l Trust Co. v. Leonardo, 2011 U.S. Dist. LEXIS 83854, *2 (C.D. Cal. Aug. 1, 2011) (“[T]he complaint only asserts a claim for unlawful detainer, a cause of action that is purely a matter of state law.”).

Here, the only claim asserted by plaintiff is for unlawful detainer against defendants. See Dkt. 1. Defendants cannot create federal subject matter jurisdiction by stating that federal questions are at issue, including on the basis of 42 U.S.C. § 1983. Dkt. 1.

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On May 6, 2025, defendants filed an application for a temporary restraining order, but it appears the Court does not have jurisdiction over this case. Dkt. 2. Accordingly, relief may not be granted without a showing that the Court has jurisdiction.

Accordingly, defendant is hereby ORDERED TO SHOW CAUSE, in writing, on or before **May 22, 2025**, why this case should not be remanded to Los Angeles County Superior Court.

IT IS SO ORDERED.

Initials of
Preparer

VRV
